

File No. 667

(Reprint of File No. 107)

Substitute Senate Bill No. 497
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 1998

AN ACT REVISING CERTAIN STATUTES IN TITLE 16.

Be it enacted by the Senate and House of
Representatives in General Assembly convened:

1 Section 16-29 of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:
4 (a) The Department of Public Utility Control
5 shall, annually, on or before December
6 thirty-first, or June thirtieth in a municipality
7 which has adopted a uniform fiscal year, furnish
8 to every municipality or department thereof
9 owning, leasing, operating or managing a plant for
10 the supplying or furnishing of any public utility,
11 blanks for annual reports in such form as the
12 department may prescribe. Each such municipality
13 or department shall return one of such reports to
14 the department on or before the following May
15 thirty-first, or the following October
16 thirty-first in a municipality which has adopted a
17 uniform fiscal year, with all questions thereon
18 fully answered. The department may, for good cause
19 shown, grant an extension of such deadlines of up
20 to sixty days, provided such municipality or
21 department desiring an extension files a request,
22 in writing, setting forth the reasons for such a

23 request. All reports shall be for the year ending
24 December thirty-first, or June thirtieth in a
25 municipality which has adopted a uniform fiscal
26 year and shall be sworn to by the general
27 superintendent of the plant or utility for which
28 the report is required and by such other person or
29 persons as may be designated by such municipality
30 or department. Each such municipality or
31 department shall make such annual reports strictly
32 according to the form provided and, if it finds it
33 impracticable to answer all the items in detail as
34 required, shall state in the report the reasons
35 why such details cannot be given. No such
36 municipality or department shall be excused from
37 giving such details for the reason that it does
38 not keep its accounts in such manner as will
39 enable it to do so. The department may prescribe
40 the method for keeping the accounts pertaining to
41 such utility and all other utilities reporting to
42 the department. When any such report seems to the
43 department defective or erroneous, it may notify
44 the municipality making the same and require the
45 amendment of such report within fifteen days from
46 the time of giving such notice; and the department
47 may examine the officers, agents, employees,
48 books, records, accounts, vouchers, plant and
49 equipment of such municipality or department
50 pertaining to such utility and may correct such
51 items in such report as, upon such examination,
52 the department may find ought to be corrected.

53 (b) A MUNICIPAL UTILITY ESTABLISHED UNDER
54 CHAPTER 101 OF THE GENERAL STATUTES, OR A
55 MUNICIPAL ELECTRIC OR GAS UTILITY OWNED, LEASED,
56 MAINTAINED, OPERATED, MANAGED OR CONTROLLED BY ANY
57 UNIT OF LOCAL GOVERNMENT UNDER THE GENERAL
58 STATUTES OR A SPECIAL ACT, MAY WITHHOLD FROM
59 PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION
60 ACT, AS DEFINED IN SECTION 1-18a OF THE GENERAL
61 STATUTES, AS AMENDED BY SECTION 1 OF PUBLIC ACT
62 97-47, ANY INFORMATION OR COMPILATION OF
63 INFORMATION WHICH GIVES THE HOLDER OF SUCH
64 INFORMATION OR COMPILATION OF INFORMATION AN
65 OPPORTUNITY TO OBTAIN AN ADVANTAGE OVER
66 COMPETITORS WHO DO NOT KNOW OR USE SUCH
67 INFORMATION OR COMPILATION OF INFORMATION, AND IS
68 NOT OTHERWISE SUBJECT TO PUBLIC DISCLOSURE BY
69 REASON OF ANY OTHER LAW OR REGULATION AND WHICH:

70 (1) IS PREPARED BY OR FOR THE UTILITY, OR
71 PROVIDED TO THE UTILITY BY A CUSTOMER FOR THE
72 PURPOSE OF PROVIDING SERVICE; OR
73 (2) CONCERNS OFFERS OR NEGOTIATIONS TO PROVIDE
74 SERVICE TO A CUSTOMER; OR
75 (3) CONCERNS A UTILITY'S BUSINESS STRATEGY FOR
76 PROVIDING SERVICE.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sSB 497

STATE IMPACT None, see explanation below
MUNICIPAL IMPACT None, see explanation below
STATE AGENCY(S) None

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: Passage of this bill as amended allows municipal utilities to withhold certain information from public disclosure under the Freedom of Information Act. There is no fiscal impact associated with these changes.

House "A" strikes the original bill which modified the procedures the Department of Public Utility Control must follow in conducting its preliminary investigation of a whistle blowing complaint from a utility employee. There was no fiscal impact associated with the original bill. The amendment adds non-disclosure provisions for municipal utilities and there is no fiscal impact.

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OLR AMENDED BILL ANALYSIS

sSB 497 (File 107, as amended by House "A")*

AN ACT REVISING CERTAIN STATUTES IN TITLE 16

SUMMARY: This bill allows municipal utilities to withhold certain information from disclosure under the Freedom of Information Act if disclosure is not required by other law. They can withhold information

that gives its holder an opportunity to gain an advantage over competitors who do not have the information and which: (1) is prepared by or for the utility or provided to the utility for the purpose of providing service, (2) concerns offers or negotiations to provide service, or (3) concerns a utility's business strategy for providing service.

*House Amendment "A" strikes the original bill, which changed the procedures the Department of Public Utility Control must follow and the standards it must use in investigating whistleblowing complaints from a utility employee, and adds the Freedom of Information Act provision.

EFFECTIVE DATE: October 1, 1998

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute
Yea 16 Nay 0